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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,945	08/07/2001	Mikio Fukasawa	P67026US0	9504

136 7590 01/13/2005
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EXAMINER

NGUYEN, MINH DIEU T

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/922,945

Applicant(s)

FUKASAWA, MIKIO

Examiner

Minh Dieu Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-20 are pending.

Information Disclosure Statement

2. The information disclosure statement filed October 31, 2001 and April 02, 2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Beach et al. (5,388,268).

Beach discloses a method and apparatus for providing visual indications of the states of a plurality of software processes located in various instruments of a distributed computer system comprising a monitor computer for monitoring a computer and a monitor-subject computer to be monitored by the monitor computer (Fig. 1) wherein the monitor-subject computer acquires a log of a use state of application software products (col. 3, lines 27-36); and the monitor computer acquires the log from the monitor-subject computer to thereby calculate a using time and a use rate for each of the application software products excluding a time of an idle state and a time and a use rate of the idle state (Fig. 2), thus outputting a use efficiency (col. 1, lines 27-32).

5. Claims 13 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Carroll et al. (6,651,098).

Carroll discloses web site management in world wide web communication network comprising a monitor computer for monitoring a computer and a monitor-subject computer to be monitored by the monitor computer (Fig. 2) wherein the monitor-subject computer acquires a log of a home page access and the monitor computer acquires the log from the monitor-subject computer to sum up times of accessing each of home pages for a set time period (Abstract) and display the URLs or names of the home pages in descending order of the access rate (Fig. 5).

6. Claim 18 is rejected under 35 U.S.C. 102(e) as being anticipated by Johnson et al. (5,964,839).

Johnson discloses a system and method for the monitoring and collection of all inbound/outbound information activity between a user and an external information service, specific data such as keystrokes are collected (col. 3, lines 60-66) and displayed (col. 13, lines 20-24; col. 14, lines 10-15).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3-4 and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beach et al. (5,388,268) in view of Johnson et al. (5,964,839).

a) As to claims 3-4 and 11-12, Beach does not disclose a monitor computer acquires a log of characters input.

Johnson discloses data monitoring and collection system comprising a monitor computer acquires a log of characters input at a monitor-subject computer (col. 3, lines 63-66).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of logging input characters as Johnson teaches in the system of Beach so as to determine any illegal document creation via entered keystrokes and input efficiency based on number of input characters.

b) As to claims 9-10, Beach does not disclose a monitor computer acquires a log of software installation/un-installation.

Johnson discloses data monitoring and collection system comprising a monitor computer acquires a log of software installation/un-installation (col. 4, lines 2-5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of logging software installation/uninstallation as Johnson teaches in the system of Beach so as to determine when new application becomes active and any illegal software installation.

9. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beach et al. (5,388,268) in view of Freund (5,987,611).

a) As to claims 5-6, Beach does not disclose a monitor computer acquires a log of contents of mail transmission/reception.

Freund discloses system and methods for regulating access and maintaining security of individual computer systems and LANs connected to a larger open networks including the Internet (col. 1, lines 24-29) wherein a monitor computer acquires a log of contents of mail transmission/reception (Abstract; Fig. 7E).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of logging incoming/outgoing mails as Freund teaches in the system of Beach so as to analyze and detect any unauthorized access to the mail system.

b) As to claims 7-8, Beach does not disclose a monitor computer acquires a log of browsing over the Internet.

Freund discloses a computing environment with methods for monitoring access to an open network wherein a monitor computer acquires a log of browsing over the Internet, a list of URLs (Abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of logging incoming/outgoing mails as Freund teaches in the system of Beach so as to analyze and detect any unauthorized browsing.

10. Claims 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beach et al. (5,388,268) in view of Hirokawa (6,697,172).

Beach discloses a method and apparatus for providing visual indications of the states of a plurality of software processes located in various instruments of a distributed computer system comprising a monitor computer for monitoring a computer and a monitor-subject computer to be monitored by the monitor computer (Fig. 1) wherein the monitor-subject computer acquires a log of a use state of application software products (col. 3, lines 27-36). However he does not disclose the monitor computer acquires the log from the monitor subject computers to calculate a working rate of the application software and display a list of the monitor subject computers in an order of the working rate.

Hirokawa discloses a system and method relates to a facsimile apparatus which is capable of transmitting measurement data relating to facsimile performance to a

control center comprising the control center calculates the usage rates of memories of the facsimile (Fig. 2, element 19) and displays a list in an order of the usage rate (Fig. 5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of calculating the usage ratio as Hirokawa teaches in the system of Beach so as to better track the products usage.

11. Claims 17 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freund (5,987,611) in view of Wattenberg (6,583,794).

Freund discloses Freund discloses a computing environment with methods for monitoring access to an open network wherein a monitor computer acquires a log of browsing over the Internet, a list of URLs (Abstract) and monitor computer calculates using time and viewing time (col. 10, line 45 to col. 11, line 28).

However Freund does not disclose monitor computer classifies the products to be used or home pages to be accessed into specific items and display using and viewing time for each classification.

Wattenberg discloses an interface system for web site maintenance wherein home pages are assigned to specific categories and usage rate of each category is monitored (col. 17, lines 51-60).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of classifying products to be used or home pages to be accessed into specific items and monitor each classification accordingly as Wattenberg

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teaches in the system of Freund so as to monitoring the popularity of a web site and individual, specific web pages (col. 17, lines 58-60).

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu Nguyen whose telephone number is 571-272-3873. The examiner can normally be reached on M-F 6:00-2:30.

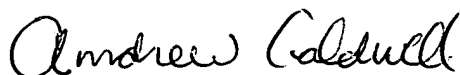
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.



mdn
1/7/05

Minh Dieu Nguyen
Examiner
Art Unit 2137



ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER